UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,534	02/26/2004	Mark Rutledge	DE001US	9479

72603 7590 12/11/2007
DIRECTED ELECTRONICS, INC.
1 VIPER WAY
VISTA, CA 92061

EXAMINER	
WALK, SAMUEL J	

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/789,534
Filing Date: February 26, 2004
Appellant(s): RUTLEDGE, MARK

Ryan J. Friedl, Esq., Reg. No. 56357
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/21/2006 appealing from the Office action mailed 10/18/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Applicant's Admitted Prior Art as cited on page 3 of the Office Action dated 10/18/2006 and:

6789928	Khan	9-2004
6510380	Curatolo	1-2003
5825283	Camhi	10-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 8, 10, 14, 16, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted

Prior Art (AAPA) in view of Khan (6789928) and in further view of Curatolo (US 6510380).

In reference to Claims 1, 3, 8, 10, 14, 16, 21 and 23,

AAPA, pg 1 of the specification:

> "Mobile alarm systems commonly employ a central alarm controller and one or more components. The components are physically separate from the central alarm controller (otherwise they may be incorporated into the central alarm controller). For example, in automobile alarm systems, a central alarm system may be located in a passenger compartment while an alarm indicator (component), such as a siren, may be located in an engine compartment Commonly, the central alarm controller communicates with components, such as the alarm indicator, via one or more conductive wires. ln some mobile environments, it is difficult, tedious, or nearly impossible, to run wires between the central alarm controller and some alarm components.
>
> A need thus exists for a mobile alarm system and method that eliminates or reduces the wiring between the central alarm controller and one or more alarm components. The present invention provides such a mobile alarm system and method."

Thus, AAPA discloses all claimed subject matter except wireless communication between vehicle components and alarm activation based on the non-receipt of signals between a control module and a monitored object. However, Khan (US 6789928) discloses an automotive mechetronic wheel light device wherein

an electronic control module 50 provides light functions concurrent to the activation of the vehicle's theft alarm with a wireless connection such as RF transmission technology, see Col. 8 lns 32, 49-51 and 54-58. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Lee into the admitted common knowledge because wireless communication is less costly to install, maintain and repair. Khan further teaches the system can compliment an already existing electronic anti-theft alarm which includes activation of the vehicle horn, i.e. audible alarm. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use both audible and visual alarm indication. AAPA and Khan still do not teach alarm activation based on the non-receipt of signals between a control module and a monitored object. However, Curatolo teaches of a security and tracking system wherein the alarm situation is determined when there is an absence of periodic signals between a first signalling unit and a second signalling unit, see Col. 3 lns 5-15. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Curatolo into the system of AAPA and Khan because monitoring alarm conditions

wherein receipt and non-receipt of signals provide a comprehensive alarm system and thus provides greater theft prevention.

3. Claims 27-34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Khan in view of Curatolo and in further view of Camhi (US 5825283).

Regarding Claims 27-34 and 38, AAPA, Khan and Curatolo disclose a system of providing an audible alarm in situations of receipt and non-receipt of monitored objects. The combined system does not teach providing an alarm based on local conditions or measurable physical engine conditions. However, Camhi discloses a system for the security and auditing of persons and property wherein a processor 12 activates output device 34, such as an alarm, in response to sensors 28 which include vehicle hood status, engine temperature, wheel revolutions, vehicle mechanical operations, vehicle motion detection, etc. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Camhi into the combined system because monitoring the local conditions of a vehicle greatly increases the prevention of theft and vehicle

degradation. In addition, it would have been obvious to one of ordinary skill in the art to monitor and activate an alarm on any number of vehicle conditions such as engine revolutions and other measurable vehicle parameters. In addition, one of ordinary skill would have readily recognized that combining the system of Camhi into a system of wireless connectivity, then the components of Camhi would also be wireless.

4. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Khan in view of Curatolo and in further view of Hwang (US 5739749).

Regarding Claims 35-37, AAPA, Khan and Curatolo disclose a system of providing an audible alarm in situations of receipt and non-receipt of monitored objects. The combined system does not teach restricting engine activation in response to a local condition. However, Hwang teaches of a forced passive anti-hijack security system wherein in response to sensor 30, and after timers 111 expire, starter, engine and fuel are disabled and/or killed, see Col. 3 lns 54-58 and Col. 5 lns 47-50. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Hwang into the combined system to increase prevention of theft.

(10) Response to Argument

Appellant's Argument

With regards to Claims 1, 8, 14 and 21, Appellant states on pages 6-8 of the Appeal Brief, that there is no reasonable expectation of success by the combination of the teachings of the cited references. More specifically, Appellant argues that Curatolo does not provide an audible alarm indication.

Examiner's Response

Appellant admitted as prior art that:

> "Mobile alarm systems commonly employ a central alarm controller and one or more components. The components are physically separate from the central alarm controller…Commonly, the central alarm controller communicates with components, such as the alarm indicator, via one or more conductive wires…"

Khan was introduced to show that wireless communication was known between vehicle components and thus one of ordinary skill would incorporate that wireless capability into the admitted prior art thus making a wireless system. In addition, Khan taught that the system could be incorporated into existing alarm systems that utilizes audible indication, i.e. the vehicle horn. Thus, a system with wireless capability between a central alarm

controller and its components including audible indication now exists. Curatolo was introduced simply to show that an emergency situation would be notified/indicated, when there was an absence of signals between two signalling devices placed in conjunction with vehicle components and/or the vehicle itself. Therefore, a system with wireless capability between a central alarm controller and its components including audible indication with an emergency situation notification/indication now exists. To more specifically address the Appellant's argument that audible indication was not provided by Curatolo, even though Curatolo teaches audible indication in Col. 5 lns 49-52, since Khan already taught audible indication through the integration of Khan's claimed invention with existing vehicle alarms that activate the vehicle horn, see page 4, lns 3-8 of Office Action and Col. 6 lns 33-39 of the cited reference, Curatolo was not needed to teach audible indication.

Appellant's Argument

Appellant states, on pages 8-9 of the Appeal Brief, that Curatolo describes the signalling units as small and hidden and therefore said diminutive signalling units cannot rationally be considered to encompass the form of an engine control module or

a vehicle horn, as disclosed in Khan, as an engine control module or vehicle horn cannot be incorporated into wearable articles.

Examiner's Response

Curatolo states, as previously cited in Col. 5 lns 35-46, that the units are *placed in conjunction with vehicle components*, i.e. the stereo or even the vehicle itself. Appellant did not claim that the "means fixably located" were the actual engine control module or other specific components. Thus, signalling units, as one of ordinary skill in the art would have readily recognized, would be fixably attached to items to be monitored. In addition, Curatolo's embodiment of wearable items to track persons or individuals was never cited or argued by the Examiner. And again, Khan was introduced simply to teach wireless capability between vehicle components and audible indication.

Appellant's Argument

Appellant disagrees, on pages 9-10 of the Appeal Brief, with the motivation to combine. More specifically, Appellant states that Curatolo does not teach or suggest combining the

signalling units with the alarm system or any alarm system components of a vehicle.

Examiner's Response

As previously stated, AAPA taught alarm systems commonly employ a central alarm controller and one or more components, Khan was combined to teach wireless capability and audible indication and Curatolo was introduced into the alarm system AAPA and Khan to show emergency determination from the non-receipt of periodic communication signals.

Appellant's Argument

It appears to the Examiner that Appellant states, on page 11 of the Appeal Brief, that Curatolo was brought in to teach alarm activation on the basis of the separation of monitored signalling units and thus the signalling units could not be fixably attached. Also, it appears that Appellant argues that if the monitored vehicle component of Khan were the wheel lighting device, the reference would be destroyed since the device is used for increasing safety and enhancing aesthetics. Thus, Appellant argues there is no motivation to combine.

Examiner's Answer

As stated prior, Curatolo was introduced to show the emergency notification/indication based on non-receipt of periodic communication signals between signalling units associated with material assets. Also, as previously stated, the signalling units are placed in various components of a material asset, including the vehicle itself. Therefore, the signalling units *could be* fixably located within the same material asset. Also, in response to Appellant's argument of reference destruction, Examiner states that Khan was not introduced to Curatolo, but Curatolo was introduced to Khan. Since Khan taught wireless capability between vehicle components and audible indication and Curatolo taught the monitoring of communication signals between signalling units associated with said components, one of ordinary skill in the art would have been motivated to combine said references.

Appellant's Argument

Appellant states, on page 12 of the Appeal Brief, that the references are non-analogous.

Examiner's Answer

Applicant's Admitted Prior Art deals with mobile alarm systems associated with vehicles. Khan deals with the wireless capability of vehicle systems including the electronic control module and vehicle theft alarm system. Curatolo deals with a security system associated with monitored assets, including vehicles and their components, and the notification of an emergency situation associated with the separation of the monitored assets to prevent theft of vehicle components. Examiner asserts that all cited references are analogous art as they all aide in overall security and theft prevention of vehicle components and thus are combinable.

Appellant's Argument

Appellant states, on pages 12-13 of the Appeal Brief, that Curatolo is not aimed at providing a comprehensive alarm system and providing greater theft protection, rather to improve personal security, maintain the safety of individuals, and identify the location of an individual…animal…or material asset. Thus, a lack of motivation to combine exists.

Examiner's Answer

Examiner never asserted that Curatolo alone aimed at providing a comprehensive alarm system and providing greater theft protection. However, Examiner did combine the motor vehicle component monitoring embodiment of Curatolo with AAPA and Khan to create a more comprehensive alarm system and thus providing greater theft protection. The embodiments concerning personal security and safety were never relied upon by the Examiner.

Appellant's Argument

Appellant states, on pages 13-15 in the Appeal Brief, that Camhi teaches away from combination with Khan to provide an audible indication.

Examiner's Answer

Camhi was not introduced to provide the limitation or support Khan's teaching of audible indication. Camhi was simply introduced to show that it was known and obvious at the time the invention was made that vehicle alarm system were also equipped to monitor local conditions of said vehicle.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Samuel J. Walk

Conferees:

Jeffrey Hofsass

Benjamin Lee

JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

BENJAMIN C. LEE
PRIMARY EXAMINER